

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

EARL WHITMIRE,)
Petitioner,)
v.) Case No. CIV-09-305-D
PAUL A. KASTNER Warden,)
Respondent.)

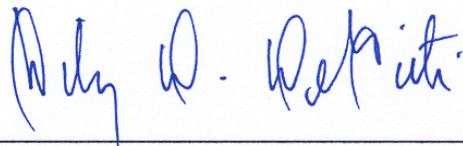
O R D E R

This matter is before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Robert E. Bacharach, recommending the denial of Petitioner's motion to proceed *in forma pauperis*. Within the time period for filing an objection, Petitioner informed the Court of his intention to pay the filing fee and requested additional time to transmit the funds. *See* Response [Doc. No. 6]. Subsequently, the Clerk received payment of the \$5.00 filing fee for the Petition under 28 U.S.C. § 2241.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 5] is adopted to the extent that Petitioner's Motion for Leave to Proceed In Forma Pauperis [Doc. No. 2] is DENIED.

IT IS FURTHER ORDERED that the case is re-referred to Judge Bacharach for further proceedings consistent with the initial case referral [Doc. No. 4].

IT IS SO ORDERED this 17th day of April, 2009.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE